



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 19, 2002

H.R. 4965 **Partial-Birth Abortion Ban Act of 2002**

As ordered reported by the House Committee on the Judiciary on June 17, 2002

CBO estimates that implementing H.R. 4965 would not result in any significant cost to the federal government. Enacting H.R. 4965 could affect direct spending and receipts; therefore, pay-as-you-go procedures would apply to the bill, but CBO estimates that any such effects would not be significant.

H.R. 4965 would ban most instances of a late-term abortion procedure known as “partial-birth abortion.” Violators of the bill’s provisions would be subject to a criminal fine or imprisonment. Because the bill would establish a new federal crime, the government would be able to pursue cases it otherwise would not be able to prosecute. However, CBO expects that any increase in costs for law enforcement, court proceedings, or prison operations would not be significant because of the small number of cases likely to be affected. Any such additional costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 4965 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would be negligible because of the small number of cases involved.

H.R. 4965 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 4965 would impose a private-sector mandate as defined by UMRA by prohibiting physicians from performing “partial-birth abortions,” except when necessary to save the life of a mother. The direct costs of the mandate would be measured as the net income forgone by physicians and clinics. Based on information from industry sources and nongovernmental organizations, CBO expects that the direct cost of the mandate would fall below the annual threshold established by UMRA for private-sector mandates (\$115 million in 2002, adjusted annually for inflation).

The CBO staff contacts for this estimate are Mark Grabowicz (for federal costs) and Paige Piper/Bach (for the impact on the private sector). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.